

FW: Gender Self-Determination for Transgender and Gender Non-Conforming Kentuckian's

From Shipp, Todd T (KYTC) <Todd.Shipp@ky.gov>

To [REDACTED]

CC Bishop, Kenny S (KYTC) <Kenny.Bishop@ky.gov>, Cole, Matthew A (KYTC) <Matthew.Cole@ky.gov>, Fogle, William H (KYTC) <William.Fogle@ky.gov>, Bihl, Brandy J (KYTC) <brandy.bihl@ky.gov>

Date Thursday, December 18th, 2025 at 08:20

Ms. [REDACTED]

In response to the below correspondence regarding verification of sex for Kentucky Driver Licenses and Identification Cards, the Kentucky Transportation Cabinet (Cabinet) has reviewed your correspondence asserting that Kentucky law permits the recognition of sex or gender on driver licenses and identification cards through self- designation , counselor statements, or reliance on federal passport practices. After careful review, the Cabinet must respectfully advise that the position set forth in your email is not supported by Kentucky law.

First, **KRS 186.412 does not authorize self-designation.** You have asserted that this statute requires only that the Cabinet "confirm" an applicant's sex and the absence of a prescribed method permits self- designation . this interpretation is incorrect. KRS 186.412 authorizes the Cabinet to issue credentials only after verifying information using reliable , legally operative source documents. The statute does not grant discretion to accept unverified personal assertions or non-governmental attestations. As an administrative agency, the Cabinet may exercise only those powers expressly granted by statute or necessarily implied therefrom. Nothing in KRS 186.412 authorizes **independent or subjective determinations of sex.**

Second, KRS 213. 121 is very much legally relevant to Driver Licensing. Your correspondence further asserts that KRS 213.121 applies solely to birth certificates and has no relevance to driver licensing. While KRS 213.121 governs the amendment of birth certificates , it establishes the Commonwealth's legally recognized mechanism for changing a person's recorded sex.

Driver licenses and identification cards are derivative source documents (created from original records). The Cabinet is not authorized to create alternative standards for recognizing a change in sex outside those provided by Kentucky law. Statutes addressing identity must be interpreted together as a single , unified whole to ensure consistency. Thus, the Cabinet is obligated to rely upon legally

operative determinations made under Kentucky law.

Third, the REAL ID Act does not permit informal verification. You further contend that because the Real ID Act of 2005 does not dictate may a specific method of gender verification, the Cabinet may accept self-determination or counselor statements. This conclusion is incorrect.

The Real ID Act establishes minimum standards for identity verification and document reliability. Federal silence regarding a particular data field does not authorize a state agency to abandon document-based verification or to accept information that lacks legal effect under state law. The Act **reinforces** , rather than diminishes, the need for consistent, verifiable identity documentation.

Fourth, while a United States passport may be accepted as proof of identity, Kentucky law does not require the Cabinet to adopt all discretionary federal data practices. Driver licenses and identification cards are issued **pursuant to state law, and the Cabinet must adhere to Kentucky statutory authority when determining what information may be recognized or amended.**

Lastly, recognition of a change in sex for state-issued credentials is a legal determination, not a matter of personal declaration. Absent a court order, an amended birth certificate, a certified attested statement from a treating physician or other legally operative government document recognized under Kentucky law, the Cabinet lacks authority to recognize a change in sex for driver licensing or identification purposes.

For the reasons stated above, the Kentucky Transportation Cabinet remains bound by Kentucky statutes governing identity verification and does not recognize self- designation, counselor statements, or informal attestations as sufficient to establish or change the sex designation on a Kentucky Driver License or identification card. This response is intended to clarify the Cabinet's legal position and does not constitute a determination on any pending or future application.

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Hello Office of the Secretary,

I am a transgender woman who lives in Kentucky. Transgender and gender non-conforming Kentuckian's face everyday discrimination in employment, housing, and public accommodations because of their gender identity. One of the reasons that discrimination happens among this group is because of the legal red tape one faces when attempting to reflect their gender identity on legal documents in the state of Kentucky. The KYTC may be able to change this;

First off under KRS 186.412 effective July 1st, 2025 which dictates how the KYTC issues identification cards and driver licenses (including Real ID), the law only asks the KYTC to confirm the applicants sex with no requirements stated.

Additionally, under KRS 213.121 effective July 13th, 1990 which dictates how vital records should be amended including change of gender designation, the law only applies to birth certificates and does not apply to identification cards and driver licenses issued by KYTC.

This means that transgender and gender non-conforming Kentuckian's should be able to self determine their sex (gender identity) such as M, F, or X when issued or renewing a identification card or drivers license (including Real ID) in the state of Kentucky.

Lastly, under the Real ID Act of 2005, the law does not dictate how an individual's gender should be verified.

I want to thank you for hearing my suggestion and I hope the recognition for transgender and gender non-conforming Kentuckian's will be recognized by the Kentucky Transportation Cabinet whether by self designation, a signed statement by a counselor, or recognition of gender changes on passports.

Thanks,

[REDACTED]

She/Her

[REDACTED]

From: [REDACTED]
Sent: Monday, November 3, 2025 8:38 PM
To: KYTC Office of the Secretary <KYTC.OfficeoftheSecretary@ky.gov>

Subject: Gender Self-Determination for Transgender and Gender Non-Conforming Kentuckian's